

SENATE BILL No. 210

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2-15.

Synopsis: Sentences for child molesting. Provides that a person who is convicted of child molesting as a Class A or Class B felony may be sentenced to life imprisonment without parole if the person has a prior unrelated conviction that is a Class A or Class B felony for child molesting.

Effective: July 1, 2002.

Clark

January 7, 2002, read first time and referred to Committee on Judiciary.

C
o
p
y



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 210

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-50-2-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 15. (a) The state may seek to have a person sentenced**
4 **to life imprisonment without parole for an offense that is a Class A**
5 **felony or Class B felony under IC 35-42-4-3 by alleging, on a page**
6 **separate from the rest of the charging instrument, that the person**
7 **has accumulated one (1) prior unrelated conviction that is a Class**
8 **A or Class B felony under IC 35-42-4-3.**

9 **(b) A person has accumulated one (1) prior unrelated conviction**
10 **for purposes of this section only if the offense for which the state**
11 **seeks to have the person sentenced to life imprisonment without**
12 **parole was committed after sentencing for the prior unrelated**
13 **conviction that is a Class A or Class B felony under IC 35-42-4-3.**

14 **(c) A conviction that is a Class A or Class B felony under**
15 **IC 35-42-4-3 does not count for purposes of this section as a prior**
16 **unrelated conviction if:**

17 **(1) the conviction has been set aside; or**



C
o
p
y

1 (2) the conviction is one for which the person has been
2 pardoned.

3 (d) If the person is convicted of the Class A or Class B felony
4 under IC 35-42-4-3 in a jury trial, the jury shall reconvene to hear
5 evidence on the life imprisonment without parole allegation. If the
6 person is convicted of the Class A or Class B felony under
7 IC 35-42-4-3 by trial to the court without a jury or if the judgment
8 is entered by a guilty plea, the court alone shall hear evidence on
9 the life imprisonment without parole allegation.

10 (e) A person is subject to life imprisonment without parole if the
11 jury (in a case tried by a jury) or the court (in a case tried by the
12 court or on a judgment entered on a guilty plea) finds that the state
13 has proved beyond a reasonable doubt that the person has
14 accumulated one (1) prior unrelated conviction that is a Class A or
15 Class B felony under IC 35-42-4-3.

16 (f) The court may sentence a person found to be subject to life
17 imprisonment without parole under this section to life
18 imprisonment without parole.

C
o
p
y

